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Report of the Special Rapporteur on violence against women, its causes and consequences

Note by the Secretariat

In the present report, the Special Rapporteur on violence against women, its causes and consequences outlines her vision in the exercise of the mandate entrusted to her by the Commission on Human Rights in its resolution 1994/45, which established the mandate, and Human Rights Council resolutions 7/24, 14/2, 16/7, 17/11, 20/12 and 23/25 and the working methods she intends to use, building on the work of the previous mandate holders.

The Special Rapporteur provides an account of her activities since her appointment, then examines the general context and main trends and challenges posed by violence against women. She notes that there is a lack of full acceptance and incorporation of the international norms and regional human rights standards on violence against women, and believes that specific measures are needed to address this normative challenge and the implementation gap. The Special Rapporteur intends to examine the legal and policy frameworks of her mandate and international human rights mechanisms, focusing on the gap between incorporating and implementing international and regional standards relating to violence against women, the updating of general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women and the implementation framework of the Declaration on the Elimination of Violence against Women. She will further focus on the links between violence against women before conflict, conflict and post-conflict situations and reparations for such violence, and the implementation of the Sustainable Development Agenda, among others. She is interested in strengthening her collaboration with international and regional human rights mechanisms and in joint work on actions necessary to improve the acceptance, incorporation, implementation and updating of the current framework in order to accelerate the elimination of all forms of violence against women.

The Special Rapporteur subsequently sets out the thematic priorities of her intended action. In particular, her focus will be on the use of data on violence against women as a tool for its prevention. She calls for the establishment of a "femicide watch" or "gender-related killings of women watch" – and believes that this model could be extended to other

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forms of violence against women, such as rape, sexual violence, early and forced marriage and female genital mutilation. She plans to focus on protection and services for women survivors of violence, in particular shelters and protection orders, and a code of conduct for law enforcement agents and security sector personnel dealing with violence against women, which could possibly be e extended to other service providers, such as social workers and health providers. She also proposes to examine the connections between fundamentalism and extremism and violence against women, and ways to improve the security and safety of women and girls in the context of forced displacement and refugee flows. She further proposes to look into online violence against women and adolescent girls as a new form of gender-based violence. Focus will also be placed on prevention of the root causes of violence against women, such as persistent discriminatory gender stereotypes, discriminatory family and penal law provisions, and on education at all levels of formal education (primary, secondary and tertiary), including education of legal professionals.

The Special Rapporteur concludes the report by describing the working methods she intends to follow in carrying out her mandate, which include country visits and reports thereon, with recommendations and follow-up action, the sending of communications through the communications procedure, and the development of thematic expertise. Lastly, the Special Rapporteur will strengthen the engagement of the mandate with other United Nations human rights intergovernmental bodies that address violence against women. She intends to focus on cooperation and synergies between her mandate, that of the Committee on the Elimination of Discrimination against Women and of other treaty bodies, and to work closely with other special procedure mandate holders. She also intends to fight violence against women in cooperation with regional and national mechanisms.

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I. Introduction

1. In the present report, submitted to the Human Rights Council pursuant to its resolution 23/25, the Special Rapporteur on violence against women, its causes and consequences outlines her activities and sets out her vision of the mandate, and the methods of work she intends to use throughout it.

2. The Special Rapporteur is grateful to the previous mandate holders for the enormous amount of work carried out in the 22 years of the existence of the mandate, which has become a visible and credible tool for providing key recommendations to States, the ultimate bearers of the responsibility to protect women and girls from violence and gender-based discrimination, but also to civil society actors, other stakeholders and the international community. At the same time, however, the legal and policy landscape around the mandate has changed owing to developments in international and regional frameworks and mechanisms on violence against women that direct the mandate, reshaping its role and its focus on prevention, implementation challenges and collaboration with all other relevant global and regional mechanisms in order to accelerate the elimination of violence against women, its causes and consequences.

II. Activities of the Special Rapporteur

A. Reporting

3. On 12 October 2015, the Special Rapporteur addressed the General Assembly, at its seventieth session, for the first time in her official capacity as Special Rapporteur. She informed the Assembly that she would continue the work initiated by previous mandate holders in building partnerships and synergies with all stakeholders in the fight against violence against women and girls, its causes and consequences, on the basis of a comprehensive and universal approach to its elimination. She highlighted the huge implementation gap, and pointed out that, at this time, the main task is to close that gap and to accelerate the full incorporation and implementation of international, regional and national instruments, policy documents and recommendations to combat and prevent violence against women, and to protect victims through the provisions of adequate support services at the national level, including reparations and prosecution of perpetrators. She also mentioned some of the priorities of the mandate that will be developed below. She noted the last reports of the previous mandate holder (A/70/209 and A/HRC/29/27) and invited all interested stakeholders to send their views and proposals on any actions needed to improve the current framework and implementation gaps to her.

4. On 13 October 2015, on the margins of the General Assembly, the Special Rapporteur participated in an event organized by the Permanent Mission of Switzerland, where she explained her vision on the role of men and boys in achieving Sustainable Development Goal 5 on gender equality, and highlighted that the principle of gender equality was essential for the full enjoyment of civil, political, social, economic and development rights by both women and girls, on an equal footing with men and boys. On 14 October 2015, she took part in an event on the theme, "Bridging the agendas: women, peace and security and preventing violent extremism", during the launch of the global study

on the implementation of Security Council resolution 1325 (2000),[1] in which she participated. On 16 October 2015, she took part in a panel discussion on practical measures to put an end to femicide.[2]

5. On 14 March 2016, the mandate holder, pursuant to Human Rights Council resolution 7/24, presented an oral report to the Commission on the Status of Women at its sixtieth session. At the opening of the session, the Special Rapporteur outlined the priorities of the mandate. At the invitation of the Commission, the Special Rapporteur made concluding remarks at the end of the examination of the review theme on the elimination and prevention of all forms of violence against women and girls, which was for the first time based on interactive voluntary reporting and the sharing of different experiences and good practices. In her concluding remarks, the Special Rapporteur highlighted that violence against women and girls was increasing, and in new and emerging forms, facilitated by the Internet and other communications technology; the importance of international and regional normative frameworks for developing national laws and policies, and some of the common challenges for the implementation of these frameworks, such as sustaining political will and adequate funding; and the fact that impunity and accountability of perpetrators remained a challenge. She explained the importance of relying on the collection of comparable data on the nature and extent of such violence, and recalled that challenges remained in the collection of such data. She added that data on homicide should include intimate partner femicide, and pointed out the importance of data on all other types of femicide, which could be analysed and used in designing preventive approaches. There was also a need to strengthen efforts to implement the 2030 Agenda for Sustainable Development and international and regional instruments, national laws and policies in a comprehensive and holistic manner to ensure that each and every woman and girl lived free from violence.

6. At the sixtieth session of the Commission on the Status of Women, the Special Rapporteur also participated in a number of events, including jointly with the Chair of the Committee on the Elimination of Discrimination against Women on a wide range of issues, such as on the implementation of Sustainable Development Goal 5; an open forum on the theme, "Tackling violence against women as a prerequisite for sustainable development"; a side event on the theme "Sustainable Development Goal 5 and online violence against women: who's accountable? Due diligence, the States and Internet intermediaries"; an event organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund (UNFPA) on the theme, "Empowering adolescent girls and young women through education: a new model for delivering the 2030 Agenda"; and a panel discussion organized by the Women's Learning Partnership in collaboration with the Gender Studies programme at The New School on the theme, "When home is where the harm is: family law reform to challenge gender-based violence".

B. Participation in conferences and consultations

7. On 28 August 2015, in Tokyo, the Special Rapporteur took part in a round table on "Women and peacebuilding", on the margins of the 2015 World Assembly for Women Conference. At the event, she delivered a statement on the relationship between violence

[1] United Nations Entity for Gender Equality and the Empowerment of Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325*, October 2015.

[2] See General Assembly resolution 70/176 and E/CN.15/2015/16.

against women and peacebuilding, explaining that general recommendation No. 30 of the Committee on the Elimination of Discrimination against Women was aimed at integrating a human rights framework for women into the women, peace and security agenda. On 29 August, at a special expert meeting organized by Equal Futures Partnership at the Conference, she made a statement on the potential of equal futures partnerships, pointing out that gender-based violence was considered a form of discrimination that prevents women from enjoying their civil, political, economic and development rights.

8. On 24 September 2015, in New York, the mandate holder, at the invitation of New York University, participated in the launch of the Global Gender Studies concentration, where she made a statement on uncovering the gendered dynamics in global affairs, and peace, development and human rights beyond 2015. She stressed that, to observe such dynamics, it was essential to bring gender into discussions on international relations, to use a "gender lens" and to take into consideration the causes and consequences of persistent forms of direct and indirect discrimination, inequality, violence against women, subordination and oppression of women and girls around the world.

9. On 20 October 2015, in Sarajevo, the Special Rapporteur participated in a conference on the theme, "Monitoring the implementation of the Istanbul Convention: new synergies", in the context of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence. She delivered a statement on the new synergies among the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Discrimination against Women and the Istanbul Convention, and called upon all States that had not yet ratified the Istanbul Convention to re-examine their reasons for not doing so and to consider accelerating the ratification process.

10. On 2 November 2015, in The Hague, the Netherlands, the Special Rapporteur participated in the annual conference of Women against Violence Europe. She subsequently participated in the third World Conference of Women's Shelters, at which she delivered a statement on strengthening global and regional networks, stressing the need for clear and comprehensive national legislation and policies on violence against women, including on shelters and global guidelines on shelters.

11. On 9 and 10 November 2015, in Tbilisi, she took part in a high-level conference on achieving gender equality, and challenges to and opportunities in the European Neighbourhood Policy. She delivered a statement on joining forces to end violence against women and girls in public and private domains, where progress in achieving gender equality and eliminating such violence would accelerate significantly under the 2030 Agenda for Sustainable Development, particularly given that, for the first time, a global gendered framework for development called for the realization of human rights of all. During the conference, she interacted with a number of stakeholders from the Government and civil society entities.

12. On 13 November 2015, in Geneva, the Special Rapporteur met with the Committee on the Elimination of Discrimination against Women to discuss cooperation between their mandates, including in relation to the work in progress to update its general recommendation No. 19. The mandate holder hopes to hold regular meetings with the Committee, and also emphasizes the importance for both mechanisms of adopting consistent recommendations and following up on their implementation. In the light of resolution 1994/45, in which the Commission on Human Rights founded the mandate, the Special Rapporteur wishes to continue to cooperate with the Committee.

13. On 18 November 2015, the Special Rapporteur had a meeting with the Group of Experts on Action against Violence against Women and Domestic Violence to discuss

future cooperation with it and the need for synergy and cooperation in the context of their future activities.

14. On 26 November 2015, in Lusaka, the Special Rapporteur took part in a parallel session of the first African Girls' Summit on Ending Child Marriage, at which she delivered a statement on successful measures taken at the international level to address the issue of girl child forced marriage as a form of gender-based violence. She also recalled that one of the targets of Sustainable Development Goal 5 is the elimination of all harmful practices, such as child and forced marriage, which should be seen as an opportunity to count on additional monitoring mechanisms to overcome a scourge that still affects girls in many parts of the world. She called for a clarification of the terminology used, and proposed the term "girl child forced marriage" whenever appropriate. She also called upon all States to collect data disaggregated by age of the children affected by the forced marriage.

15. On 30 and 31 January 2016, in Ottawa, the mandate holder, jointly with two members of the Committee on the Elimination of Discrimination against Women, the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Chair of the Inter-American Commission on Human Rights, participated in a symposium on missing and murdered indigenous women and girls, at which she explained that her mandate could contribute to the follow-up to global and regional recommendations, including the recommendation on the establishment of a national inquiry into missing and murdered indigenous women and girls. A joint statement was issued following the symposium, in which participants welcomed the national enquiry set up by Canada.

16. On 4 February 2016, in London, at the invitation of the London School of Economics and Political Science, the Special Rapporteur participated in a full-day workshop, for civil society and practitioners tacking violence against women, focused on international and regional approaches, during which the mandate holder explained the role and priorities of the mandate. On 5 February 2016, at the invitation of the Committee on the Elimination of Discrimination against Women, she took part in an expert group meeting on updating Committee general recommendation No. 19, and gave her inputs to the draft.

17. From 23 to 26 February 2016, in Guatemala City, the Special Rapporteur took part in a seminar on litigation of cases of violence against women and access to justice to women in Central America. At the event, she made introductory remarks to the seminar and two speeches addressing lawyers, prosecutors and non-governmental organizations litigating cases of violence against women, and judges and magistrates handing down judgements on these crimes. She also participated as an observer in a hearing of the emblematic trial of the Sepur Zarco, organized to mark the first trial where crimes committed against women, including sexual slavery during an armed conflict, were prosecuted in the country where the crimes were actually committed.

18. On 29 February 2016, in New York, the Special Rapporteur participated in a panel discussion on the role of the law, law schools and young lawyers in advancing Goal 5 of the Sustainable Development Goals, and delivered a statement on how can the Goals, read together with the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action and the Declaration on the Elimination of Discrimination against Women, could be an important tool in law and in practice.

19. On 7 March 2016, in Algiers, the mandate holder took part in the fifth General Assembly of the Kigali International Conference Declaration, which focused on the role of security organs in ending violence against women and girls. The mandate holder explained the international normative framework and shared best practices in preventing and ending violence against women. She also suggested that the framework of the Declaration was a

good practice that should be followed up at the global level by the formulation of a global code of conduct for law enforcement agents and security personnel dealing with violence against women.

20. On 8 March 2016, on the margins of the thirty-first session of the Human rights Council, the Special Rapporteur participated in a side event on the theme, "Violence against women and children in conflict situations and the role for the international community". On the same day, on the occasion of International Women's Day, the Special Rapporteur, together with the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on trafficking in persons, especially women and children, the Committee against Torture and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture issued a joint statement to mark International Women's Day.[3]

21. On 9 March, the Special Rapporteur took part in a side event, on "Gender perspectives of torture and other cruel, inhuman, and degrading treatment or punishment", in support of the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in gendering the torture prevention framework.

C. Other activities

22. The Special Rapporteur took the opportunity of the International Day for the Elimination of Violence against Women on 25 November 2015 to call upon all States to establish a "femicide watch" or "gender-related killing of women watch", and to focus on the prevention of killings of this type.[4]

23. During the period under review, the Special Rapporteur addressed, jointly with other mandate holders, a total of 31 communications in relation to issues falling within the mandate. The communications concerned, inter alia, issues relating to discrimination against women, human rights defenders, health, indigenous peoples, torture, summary executions and migrants. The mandate holder also joined several statements, such as on the fiftieth anniversary of the International Covenants on Human Rights and the protection of sexual and reproductive health and rights on the occasion of the adoption of the 2030 Agenda for Sustainable Development.

D. Country visits

24. The previous mandate holder visited the Sudan from 13 to 24 May 2015, at the invitation of the Government (see A/HRC/32/42/Add.1). The current mandate holder, who took up her function on 1 August 2015, visited South Africa from 4 to 11 December 2015 (A/HRC/32.42/Add.2) and Georgia from 15 to 19 February 2016 ((see A/HRC/32/42/Add.3) at the invitation of the Governments. The mandate holder thanks the Government of the Sudan for its cooperation with the previous mandate holder, and those of South Africa and Georgia for their cooperation before and during the visit.

[3] OHCHR, "Gender-based crimes through the lens of torture International Women's Day", 8 March 2016.

[4] OHCHR, "UN rights expert calls all States to establish a 'Femicide Watch'", 25 November 2015.

III. General context

A. Legal and policy framework: gaps in implementing international and regional standards relating to violence against women

25. The work of the current mandate holder will be based on existing international and regional human rights instruments, policy documents and standards to combat and prevent violence against women, with the aim of strengthening synergies among them and thereby helping to prevent and accelerate the elimination of violence against women.

26. The protection of women from violence is addressed in various human rights instruments, including the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

27. The Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto are instruments dedicated specifically to women's rights that provide a gender perspective to all other human rights instruments. The Convention, which has been ratified or acceded to by 189 States, provides a broad definition of discrimination against women, both direct and indirect, including intentional or unintentional forms, before the law or in practice, in all aspects of public and private life, whether perpetrated by the State, its agents, private actors or individuals.

28. Under the Convention, States parties undertake "to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise". In its general recommendation No. 19, the Committee on the Elimination of Discrimination against Women clarified the fact that violence against women impairs or nullifies the enjoyment by women of human rights and fundamental freedoms as a form of discrimination within the meaning of article 1 of the Convention, whether perpetrated by a State official or a private citizen, in public or in private life. Taking into consideration the significant developments witnessed in different global and regional recommendations and jurisprudence on violence against women since its adoption in 1992, the Committee has begun work on an update of its recommendation. As stated above, the Special Rapporteur was invited by the Committee to give her input into the draft on the updated version.

29. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, ratified or acceded to by 106 States, envisages granting women access to justice at the international level. With regard to the communications procedure, the cases considered by the Committee have focused on important women's rights issues, including violence against women. One of the landmark decisions of the Committee in the area of domestic violence is *A.T. v Hungary*. Key findings by the Committee in its decision included that States may be held responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence; that protection orders were not available; and that the State party had appeared to afford greater protection to the right to private property than to the petitioner's right to life and physical and mental integrity. Two other important cases addressing violence against women are the cases of *Şahide Goekce (deceased) v Austria* and *Fatma*

Yildirim (deceased) v Austria. The Committee, while recognizing the State party's comprehensive legislation and policies addressing domestic violence, concluded that the political will this manifested must be supported by State actors who adhere to the State party's obligations, including that of due diligence, for individual women victims of domestic violence to be able to enjoy the practical realization of the principle of equality between women and men and their human rights and fundamental freedoms. In both cases, the Committee concluded that the State party had violated its obligations under Convention.[5]

30. In 2003, the Committee, pursuant to article 8 of the Optional Protocol to the Convention, undertook an inquiry into the abduction, rape and murder of women in and around Ciudad Juarez, State of Chihuahua, Mexico, and recommended that the Government investigate thoroughly and punish the negligence and complicity of public authorities in, the disappearances and murders of women.[6] In 2012, the Committee conducted an inquiry with regard to the Philippines on the implementation of an order issued by the Mayor of the City of Manila on 29 February 2000, on the provision of sexual and reproductive health rights, services and commodities in the City of Manila. The Committee recommended that the State party ensure the immediate implementation of the Reproductive Health Act (adopted on 21 December 2012) and its Implementing Rules and Regulations, including provisions that guaranteed universal access to the full range of reproductive health services and information for women (CEDAW/C/OP.8/PHL/1, para. 51 (b)). In 2013, the Committee conducted an inquiry on Canada, based on allegations of severe of violence, including disappearances and murder, suffered by aboriginal women and girls. The Committee recommended that the State ensure that all cases of missing and murdered women were duly investigated and prosecuted (CEDAW/C/OP.8/CAN/1, para. 217 (a)). These examples show how jurisprudence can be an important tool for transformative change.

31. The Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104, provides international standards for the protection of women from violence, and describes measures that States and international agencies should take to ensure the elimination of all forms of violence against women, whether in the public or private sphere. In particular, it encourages States to develop appropriate guidelines to assist in the implementation of the principles set forth in the Declaration.

32. At the sixtieth session of the Commission on the Status of Women, the Special Rapporteur called upon all Members States and other stakeholders to send her their views and proposals on any actions needed to improve the current framework addressing violence against women and girls, and also to consider the Declaration on the Elimination of Discrimination against Women and its call for the development of specific guidelines for its more effective implementation.

33. The Beijing Platform for Action, adopted at the fourth World Conference on Women, is a consensus policy document that sets out strategic priorities in 12 critical areas of concern, and elaborates measures, actions and implementation strategies necessary for

[5] Other cases considered by the Committee relating to violence against women include *A.T. v. Hungary* (case 2/2003), *Sahide Goekce (deceased) v. Austria* (case 5/2005), *Fatma Yildrim (deceased) v. Austria* (case 6/2005), *Karen T. Vertido v. the Philippines* (case 18/2008), *V.K v. Bulgaria* (case 20/2008), *V.P.P. v. Bulgaria* (case 31/2011), *Isatou Jallow v. Bulgaria* (case 32/2011), *R. P. B. v. the Philippines* (case 34/2011), *González Carreño v. Spain* (case 47/2012), *X. and Y. v. Georgia* (case 29/2009), *Belousssova v. Kazakhstan* (case 45/2012) and *O.V.J. v Denmark* (case 50/2013).

[6] CEDAW/C/2005/OP.8/MEXICO.

the advancement of women. It reflects the principles of gender equality and non-discrimination, and highlights violence against women as a critical area of concern, and identifies strategy objectives and a detailed catalogue of measures to be taken. The Commission on the Status of Women regularly reviews the progress made and remaining challenges of its implementation.[7]

B. Violence against women before conflict, in times of conflict and in post-conflict situations

34. The adoption of the landmark Security Council resolution 1325 (2000) on women and peace and security, and the resolutions thereon subsequently adopted by the Council,[8] reflected greater political will to improve women's role and participation in peacemaking, peacekeeping and peacebuilding. In 2001, the mandate holder published a report focusing on, inter alia, violence against women perpetrated and/or condoned by the State during times of armed conflict (E/CN.4/2001/73).

35. In 2014, the previous mandate holder pointed out that sexual and gender-based violence in conflict situations was regarded as something different and exceptional rather than a continuation of a pattern of discrimination and violence that exacerbated in times of conflict, and recalled that prevention of violence against women must start during times of peace and the women, peace and security agenda should be directly connected to the broader agenda of gender equality and the empowerment of women (see A/HRC/26/38). In its resolution 1888 (2009), the Security Council established the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. The Special Rapporteur believes that developing cooperation between the two mandates on issues of common interest is important.

36. The global study on the implementation of the Security Council resolution 1325 (2000) (see para. 4 above) refers to general recommendation No. 30 of the Committee on the Elimination of Discrimination against Women, in which the Committee called for the application of a women's rights framework, based on the Convention on the Elimination of All Forms of Discrimination against Women and Security Council resolution 1325 (2000), which highlighted that the prevention of violence against women must start during times of peace. The women and peace and security agenda, as laid out in resolution 1325 (2000), should be connected directly to with the broader agenda of gender equality and the empowerment of women.

37. In times of peace, violence is committed in both the public and the private spheres, including in the family, the community, in State institutions and at the transnational level. Such violence is more common where patriarchal gender norms are entrenched, and where social and cultural norms contribute to the acceptance of violence against women and girls, or where there are formal or discriminatory provisions in domestic legislation relating to sex and gender, and no specific measures to address or prevent violence against women. The mandate holder also notes the severe underreporting of sexual violence, and consequently the lack of prosecution of perpetrators. Conflict and post-conflict situations often exacerbate existing forms of discrimination, or generate new forms of violence against women who are already in a vulnerable situation, such as rape by State or non-State actors, maiming, sexual mutilation, abduction, forced marriages to armed fighters

[7] E/CN.6/2015/3, paras.13 and 14.

[8] Security Council resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015).

(enslavement), torture and other forms of inhuman, cruel or degrading treatment of punishment. The prevention of such violence must be placed within the broader context of the elimination of all forms of discrimination against women. Under the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Discrimination against Women, States are responsible for preventing acts of violence by State actors, and also to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women perpetrated by non-State actors.

C. Implementation of the Sustainable Development Goals on the elimination of violence against women and girls

38. The 2030 Agenda for Sustainable Development comprises 17 transformative Sustainable Development Goals aimed at the realization of the human rights of all, including the achievement of gender equality and the empowerment of all women and girls. Goal 5, and in particular its targets 5.2, focuses on the elimination of all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, while target 5.3 focuses on the elimination of all harmful practices, such as child, early and forced marriage and female genital mutilation. While it is remarkable that, For the first time, the elimination of violence against women is included as a target for the achievement of sustainable goals, violence against women is also an issue addressed in Goal 11, on safe spaces, and Goal 16, relating to peace and security. It is also a barrier to achieving other gender-related goals, such as those on health, education, reducing poverty in all its forms, and sustainable growth. For the first time, a global gendered framework for development has been adopted that is inclusive and builds upon human rights instruments, all relevant world conferences, such as the four World Conferences on Women. The implementation of all 17 goals also requires systematic gender mainstreaming in all targets and indicators.

39. The implementation of the 2030 Agenda for Sustainable Development provides a fresh opportunity to accelerate progress in achieving gender equality and empowerment of women and girls, and in eliminating violence against women. Indeed, the formulation of Goal 5 on gender equality provides a women's perspective to the entire Agenda, which also provides that substantive gender equality and the empowerment of women and girls should be achieved by the elimination of all forms of discriminations and violence against women and girls in the public and private spheres. The Special Rapporteur stands ready not only to monitor progress but also to give guidance to States and other stakeholders in implementing Goal 5.

D. Regional human rights mechanisms

40. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa includes provisions on violence against women. Its implementation by States is assisted by the African Commission on Human Rights. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), which expressly recognizes the relationship between gender violence and discrimination, is a key instrument in addressing violence against women in the Inter-American system. The Follow-up Mechanism to the Belém do Pará Convention is the mechanism responsible for follow-up on the implementation of the Convention. Within the Council of Europe system, the Istanbul Convention is the second regional treaty to address violence against women; and the monitoring mechanism in charge of the implementation of the Convention consists of two bodies, the Group of

Experts on Action against Violence against Women and Domestic Violence and the Committee of the Parties (see A/HRC/29/27).

41. In 2010, the Association of South-East Asian Nations (ASEAN) established the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. The two most important ASEAN documents on violence against women are the ASEAN Declaration on the Elimination of Violence against Women (2004) and the Declaration on the Elimination of Violence against Women and the Elimination of Violence Against Children in ASEAN (2013). In addition, in 2009, ASEAN established the ASEAN Intergovernmental Commission on Human Rights, which has been considering drafting several regional conventions, including on violence against women.

42. In 2011, the Organization of Islamic Cooperation established the Independent Permanent Human Rights Commission, which has identified women's rights as a priority area of its work. A working group has been established to develop ways and means for the body to address women's rights, including through providing advisory opinions. It has been developing a mechanism to undertake studies and research on the situation of women's rights in the Member States of the Organization, and to provide technical cooperation and awareness-raising.

43. At the international level, despite the existence of international and regional norms and standards on violence against women, there is a general lack of a holistic and comprehensive approach to combat and prevent violence against women. There is a fragmentation of and disconnection between the implementation of global agendas and instruments, such as the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Discrimination against Women and Security Council resolution 1325 (2000) and subsequent related resolutions, and regional instruments and agendas on violence against women and mechanisms in charge of monitoring their implementation, even though they all envisage links with other instruments and institutions. At the national level, implementation of these standards has generally been fragmented, and often without a coordinated or comprehensive system to combat and prevent violence against women on the basis of a solid legal and institutional framework.

44. The mandate holder considers that the universal and full acceptance and incorporation by States of both international and regional instruments are crucial for the establishment and improvement of existing national legal frameworks on the elimination of violence against women, including by the elimination of discriminatory family laws and penal laws, also with regard to harmful practices that hinder the enjoyment by women and girls of their rights.

IV. Thematic priorities

A. Establishment of a "femicide watch"

45. On 25 November 2015, the International Day for the Elimination of Violence against Women, the Special Rapporteur called upon all States to establish a "femicide watch", or a "gender-related killing of women watch". She proposed that data on the number of femicides or cases of gender-related killings of women, disaggregated by age and ethnicity of victims, and the sex of the perpetrators, and indicating the relationship between the perpetrator and the victim or victims, be published every year, on 25 November, and that information concerning the prosecution and punishment of perpetrators also be collected and published. Given the shortcomings of many national prevention systems, the lack of reliable data and risk assessments, and consequent misidentification,

concealment and underreporting of gender-related killings, including of women belonging to ethnic minorities, the proposal would provide crucial information for the development of effective strategies to address this serious human rights violation.

46. Each case of gender-related killing of women should be carefully analysed to identify any failure of protection, with a view to improving and developing further preventive measures. In the collection, analysis and publication of such data, States should cooperate with non-governmental organizations and independent human rights institutions working in the field, representatives of victims and other relevant international organizations and stakeholders.

47. In her report on gender-related killing of women and girls: promising practices, challenges and practical recommendations (A/HRC/20/16), the previous mandate holder noted different manifestations of gender-related killings of women, including as a result of intimate-partner violence, following accusations of sorcery or witchcraft, in the name of "honour", in the context of armed conflict, dowry-related killings of women, and killings of aboriginal and indigenous women, among others.

48. The Special Rapporteur recalls General Assembly resolution 70/176 on action against gender-related killing of women and girls, in which the Assembly encouraged Member States to collect, disaggregate, analyse and report data on gender-related killing of women and girls and to ensure that appropriate punishment for perpetrators of gender-related killings of women and girls are in place and are proportionate to the gravity of the offence.

49. The importance of statistics and data collection is broadly recognized in international human rights law, including the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations made by the Committee on the Elimination of Discrimination against Women, which provides a legal basis and practical guidance for the promotion and development of statistics, disaggregated by sex.[9] In paragraph 24 (c) of its general recommendation No. 19, the Committee explicitly recognized the importance of statistical data to understand the situation of women, and recommended that States ensure that their national statistical services formulated their questionnaires in such a way that data could be disaggregated according to gender. It also recommended that States should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence. At the regional level, article 8 (h) of the Convention of Belém do Pará established the agreement by States to undertake progressively specific measures, including programmes, to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women. Article 11 of the Istanbul Convention established that States parties should undertake to collect disaggregated relevant statistical data on cases of all forms of violence.

50. While the collection of data is widely recognized under the international human rights framework, the establishment of a global "femicide watch" would bring a special emphasis to the analysis of these statistics and data as a catalyst for prevention and change. Given the shortcomings of certain national protection systems, the lack of proper risk assessment and the lack of quantitative and qualitative data, which are major barriers to effective prevention of gender-related killing of women, it would contribute to the prevention of preventable deaths of women. Where the situation in which femicides are committed is highlighted, it can stimulate more work across existing obligations, particularly with regard to addressing social attitudes that accept or normalize violence

[9] See OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation*, 2012, p. 75.

against women and its most extreme forms resulting in killing. Bringing a name and a face to statistics also highlights the horrendous nature of the crime, the reality of patriarchal violence and the extreme pain and suffering inflicted on women and girls because of their gender.

B. Protection of and services for women survivors of violence

51. The Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Discrimination against Women established global standards and the obligations of States to prevent violence against women and to provide services for survivors of violence. With regard to services, the Declaration calls upon States to work to ensure, to the maximum feasible extent, in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling and health and social services, facilities and programmes, and support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation. In addition, the Declaration states that organs of the United Nations system should promote the formulation of guidelines or manuals relating to violence against women.

52. In its general recommendation No. 19, the Committee on the Elimination of Discrimination against Women recommended that States parties should take all legal and other measures necessary to provide effective protection of women against gender-based violence.

53. The Beijing Declaration and Platform for Action establishes that women subjected to violence should have access "to just and effective remedies for the harm they have suffered", but they should also have access to "well-funded shelters and relief support", and "appropriate assistance to enable them to find a means of subsistence".

54. The Committee on the Elimination of Discrimination against Women explained in the case of *A.T. v. Hungary* that a victim of domestic violence was unable to flee to a shelter, because none was equipped to accept her together with her children, in particular one of whom who was fully disabled. According to the Committee, the State should ensure that a safe home was given to the victim, in which she could live with her children, and that the victim should receive proportional reparation to the physical and mental harm endured.

55. The Istanbul Convention builds on existing international and regional instruments and international and national legal and policy advances. It contains a specific provision on shelters; article 23 in fact states that parties should "take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out proactively to victims, especially women and their children." The Council of Europe has developed minimum standards for support services, in which, for example, one place in a women's shelter per 7,500 inhabitants should be provided, and the minimum standard should be one place per 10,000 inhabitants.[10] According to another standard, one shelter should be available for

[10] Liz Kelly, *Combating violence against women: minimum standards for support services*, Council of Europe, 2008, p. 18.

every 10,000 inhabitants, providing safe emergency accommodation, qualified counselling and assistance in finding long-term accommodation.[11]

56. Shelters have an important role in removing one of the greatest barriers preventing women from leaving abusive situations and avoiding re-victimization and risks of new assaults. Various economic factors can contribute to women's vulnerability to violence and prevent them from seeking help.[12] Rehabilitation programmes for women survivors of violence should promote their physical, emotional and economic assistance, in particular by allowing them to secure immediate financial support, and promote opportunities to achieve and sustain income, to enable them to rebuild their lives.[13]

57. The mandate holder has visited a number of shelters and made recommendations on their availability in specific countries to ensure that women can have access to them (see E/CN.4/2006/61/Add.5 and A/HRC/4/34/Add.2 and Add.4). Women's shelters should offer specialized services for women, providing safe accommodation and support for women who have been subjected to violence and their children. In addition to these services, other prevention and protection measures should be available, including efficient and immediate protection and barring orders for survivors, witnesses and their families.[14] The Special Rapporteur intends to work on a compilation of good practices that could guide the establishment of shelters and support for women and children, and a compilation of good practices on protection orders.

C. Code of conduct for security and police forces dealing with violence against women

58. At the Special General Assembly of the Kigali International Conference Declaration, on the role of security organs in ending violence against women and girls (see para. 19 above), 12 Member States signed the Declaration following the high-level international conference on the same topic, which was held in Kigali in 2010. Since then, 43 States have taken part in activities to implement the Declaration, which includes a commitment "to recruit and promote more women officers at all echelons of the security organs".

59. In the view of the Special Rapporteur, the involvement of security organs, including those in peacekeeping operations, and the police in combating violence against women and

[11] "Good practices in legislation on violence against women", report of the expert group meeting, United Nations Office at Vienna, May 2008.

[12] United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "Economic development and opportunities" (available at www.endvawnow.org/en/articles/1457-economic-development-and-opportunities.html).

[13] See Follow-up Mechanism to the Belém do Pará Convention, *Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, 2014, p. 55.

[14] See Women against Violence Europe Network and European info Centre against Violence (WAVE), "Description of a women's shelter" (available at www.wave-network.org/sites/default/files/shelterdescription.pdf).

[14] Some cases in which a restraining or protection orders were requested by the victim have been analysed by the Committee on the Elimination of Discrimination against Women, including *Sahide Goekce (deceased) v. Austria* (case 5/2005); *Fatma Yildrim (deceased) v. Austria* (case 6/2005); *V.K. v. Bulgaria* (case 20/2008); *Isatou Jallow v. Bulgaria* (case 32/2011) (in this case, the perpetrator was granted a protection order, on the basis that he was victim of violence, requiring the real victim to leave the family house); *Gonzalez Carreño v. Spain* (case 47/2012); and *A.T. v. Hungary* (case 2/2003) (at the moment of the facts there were no protection or restraining orders available under the domestic law).

girls is extremely important. Security organs are the first respondents in cases of violence, and have a key role to play in prevention, the prosecution of perpetrators and the protection of women survivors of violence. The goals attained and the challenges encountered in the implementation of the Kigali Declaration could be used as good practices for the formulation of a global code of conduct for police forces.

60. The mandate holder intends to explore the possibility of formulating a global code of conduct for security officers required to address cases of violence against women and girls, which could possibly be extended to other service providers, such as social workers and health providers.

D. Protecting women and girls in the context of forced displacement and refugee flows

61. Women and girls fleeing conflicts and persecution face various forms of gender-based violence and cases of multiple discrimination, particularly when they travel alone. These women and girls are vulnerable at all stages of their journey; in the countries of origin, of transit and of destination.

62. The challenges that women and girls migrants face include the risk of certain forms of violence, including sexual violence, by smugglers, criminal groups and individuals in countries of origin, transit and destination. Their journey could also turn into trafficking, slavery and slavery-like practices. They may also face greater risks of sexual violence and harassment while in transit in camps or shelters owing to, among others, shared accommodation and common sanitation facilities, which make them vulnerable to violence and abuse. They may lack access to gender-specific services, while frequently the reluctance of victims to report cases of sexual violence results in underreporting. Besides being a key reason behind many women's decisions to migrate, gender-based violence is a common feature throughout their journeys and in countries of destination.

63. The Special Rapporteur notes that there is a lack of data on such human rights violations, a fact that prevents authorities from taking the necessary measures to ensure the safety of these women and girls. She intends to assist in the development of the necessary guidance for States in this field.

64. In its general recommendation No. 32, on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women recognized that "displacement arising from armed conflict, gender-related persecutions and other serious human rights violations that affect women compounds existing challenges to the elimination of discrimination against women".

65. In 2016, the Office of the United Nations High Commissioner for Refugees established an advisory group on gender, forced displacement and protection, of which the Special Rapporteur is a member, which and explored, inter alia, good practices for fostering meaningful community engagement.

66. The large-scale phenomenon of female migration has yet to be adequately addressed in migration policies with the full recognition of the gender-specific challenges and risks that migrating and refugee women and girls face. The Special Rapporteur stands ready to assist in the development of necessary guidance for States in this field.

E. Fundamentalism, extremism and violence against women

67. On 15 January 2016, the Secretary-General presented his Plan of Action to Prevent Violent Extremism to the General Assembly.[15] Discussions have since been held on exploring the intersection of conflict, violence and gender and the need for governmental, regional and multilateral organizations to include a gender perspective in all levels of policy- and decision-making, particularly in efforts to address the threat of terrorism and violent extremism. Against this backdrop, the Special Rapporteur proposes to examine the connections between fundamentalism or extremism and gender-based violence against women and its root causes.

F. Capacity-building for legal professionals and law enforcement officials on violence against women

68. The Special Rapporteur notes the importance of capacity-building for legal professionals and law enforcement officials, including members of the police, the prosecution and the judiciary, and social workers, on regional and international human rights instruments and institutions, in particular with regard to women's human rights and violence against women. Capacity-building should include the jurisprudence on violence against women developed at the global and regional levels, and good practices to ensure that, at the national level, laws are applied in accordance with international norms and standards.

69. The Special Rapporteur encourages the inclusion of equality between women and men and violence against women as subjects of study in university curricula on law and related fields, and in training of legal professionals, such as judges and law enforcement officials. Training should include the international women's human rights framework and practical studies of the rich jurisprudence and case law on violence against women and the obligation of States to take appropriate measures to modify or abolish customs and practices that constitute discrimination against women and that affects women's right to a fair and just trial (see CEDAW/C/57/D/34/2011, para. 8.8).

G. Online violence against women: a new challenge

70. While the use of information and communications technology has contributed to the empowerment of women and girls, its use has also generated online violence. In the view of the Special Rapporteur, there is a need to examine this recent phenomenon, and the applicability of national laws to it, and to make recommendations for States and non-State actors to fight online violence against women and girls while respecting freedom of expression and the prohibition of incitement to violence and hatred, in accordance with article 20 of the International Covenant on Civil and Political Rights.

H. Focus on prevention and elimination of discriminatory laws and their negative impact in perpetuating or contributing to violence against women

71. The Special Rapporteur regards the prevention of violence against women as an aspect of the mandate that focuses on the elimination of the root causes of violence against women, and its consequences. To that end, she has identified the main components that

[15] See General Assembly resolution 70/254.

should be further elaborated, including States' obligations to take positive measures to change harmful stereotypes relating to gender roles conducive to violence and, at the same time, to undertake activities to empower women and reduce their vulnerability to violence; the meaningful inclusion of men and boys to contribute actively to the prevention of all forms of violence against women and girls; and awareness-raising campaigns to fight violence against women on a regular basis and at all levels, in cooperation with national human rights institutions, civil society and non-governmental organizations.

72. Discriminatory laws, in particular discriminatory provisions in constitutions, family laws, nationality laws and penal codes, perpetuate the lower status of women and their oppression in society, thereby fuelling violence against women and girls, given that there is little to deter perpetrators from committing these crimes, or because recourse for victims is inadequate. It is against this backdrop that the prevalent and multiple grave forms of violence by fundamentalist and extremist actors committed in recent times are built. The Special Rapporteur intends to explore the link between these discriminatory laws and violence against women and girls, and to make recommendations for law reforms, in particular with regard to family and penal laws, and other national laws and practices that regulate family relationships and the private sphere, with a view to curtailing violence against women and girls.

V. Working methods

73. Building upon the work of previous mandate holders, and in accordance with Commission on Human Rights resolution 1994/45, which established the mandate, and Human Rights Council resolution 23/25, the most recent resolution renewing the mandate, the Special Rapporteur will continue to seek and receive information on violence against women, its causes and consequences from States, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information; recommend measures, ways and means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences; follow up on implementation of recommendations, work closely with all special procedures and other human rights mechanisms of the Council and with the treaty bodies, taking into account the request of the Council that they regularly and systematically integrate the human rights of women and a gender perspective into their work; cooperate closely with the Commission on the Status of Women in the discharge of its functions; and adopt a comprehensive and universal approach to the elimination of violence against women, its causes and consequences, including causes of violence against women relating to the civil, cultural, economic, political and social spheres.

A. Cooperation with other special procedures addressing violence against women

74. The Special Rapporteur intends to work in collaboration with other special procedure mechanisms that examine issues relating to violence against women, including the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Independent Expert on the enjoyment of human rights by persons with albinism, the Independent Expert on minority issues, the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the rights of persons with disabilities, the Independent Expert on the enjoyment of all human rights by older persons and the Special Rapporteur

on torture and other cruel, inhuman or degrading treatment or punishment, and will strive to identify possible joint initiatives that can complement the work of each mandate, including joint visits, joint follow-up to recommendations, joint communications on allegations of women's rights violations and the issuance of press statements.

B. Cooperation with the Committee on the Elimination of Discrimination against Women and other treaty bodies

75. The Special Rapporteur recalls that the Commission on Human Rights, in its resolution 1994/45 establishing the mandate, called upon the Special Rapporteur to carry out the mandate within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women. In 2008, the Human Rights Council, in its resolution 7/24, added the Beijing Platform for Action to the framework, and called upon the Special Rapporteur to work closely with other special rapporteurs, special representatives and working groups. It also called upon the mandate holder to hold consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies. The mandate holder intends to strengthen the engagement between her mandate and the Committee, and to hold regular consultations with it, so as to establish an institutionalized cooperation between these two mechanisms. As mentioned above, she has already begun to cooperate with the Committee in the updating of general recommendation No. 19.

C. Cooperation within the United Nations system

76. The mandate holder recalls that it is also essential to maintain close cooperation with the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme, the World Health Organization, UNFPA, UNESCO, the International Labour Organizations and, in particular, UN-Women, in order to strengthen coordination and coherence in the responses of the United Nations system, including at the country level, for the implementation of the different international and regional standards on eliminating violence against women. She would like to also continue work on the implementation of Human Rights Council resolution 23/25, which focuses on preventing and responding to rape and other forms of sexual violence in compliance with international human rights obligations. In this regard, she considers extremely important to develop strong cooperation with the Commission on Crime Prevention and Criminal Justice of UNODC, which could be important to accelerate the implementation of the goals of the mandate at the level of national criminal justice systems. In addition, to be able to follow-up appropriately on her call for States to establish a "femicide watch" or "gender-related killing of women watch", the mandate holder intends to hold regular consultations with UNODC.

77. With regard to violence against women in conflict and post-conflict situations, and as already mentioned above, she also intends to strengthen cooperation with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the Office of the Special Representative of the Secretary-General on Violence against Children.

D. Cooperation with regional and national mechanisms dealing with violence against women

78. The Special Rapporteur encourages regional human rights systems to provide her with input, and seeks their views on implementation, since these systems have an important role in strengthening universal human rights standards. She is conscious of the importance of continuing to collect inputs from Member States and all stakeholders, including global, regional and national mechanisms and non-governmental organizations, to enable them to take fully informed decisions on the measures needed to accelerate the eradication of violence against women as a priority.

VI. Conclusion and recommendations

79. **The Special Rapporteur recognizes that the mandate has become a visible, respected and credible mechanism to guide States, civil society actors, other stakeholders and the international community on the elimination of violence against women, its causes and consequences. Since the establishment of the mandate in 1994, the landscape surrounding it has changed, with the development of international and regional frameworks and mechanisms on violence against women that direct the mandate, to reshape its role and to focus on prevention, implementation challenges and stronger collaboration with all other relevant global and regional mechanisms, in order to accelerate the elimination of violence against women, its causes and consequences.**

80. **In the view of the Special Rapporteur, there is a general lack of a holistic, comprehensive approach to combating and preventing gender-based violence and the fragmentation of various policies and legislation addressing violence against women and women's rights. One of the Special Rapporteur's key priorities will be to contribute to closing the gap in implementing existing international and regional instruments on violence against women, and to protect victims by providing them with adequate support services and effective remedies, and by prosecuting perpetrators. The mandate holder is convinced that the mandate has an important role to play in promoting synergies among existing international and regional instruments and systems on violence against women, with the purpose of accelerating and achieving their full implementation. She considers it important to improve synergies among the implementation of the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women with the Optional Protocol thereto, the Declaration on the Elimination of Discrimination against Women and Security Council resolution 1325 (2000), and to follow up on resolutions and/or regional instruments on violence against women, to achieve their full implementation and to accelerate the elimination of violence against women.**

81. **Notwithstanding the need to develop synergies between the international and regional human rights systems further, the Special Rapporteur considers it important to continue the discussion on the adequacy of international, regional and national legal frameworks to prevent and combat violence against women. In that respect, it is also important to consider new developments, such as the work of the Committee on the Elimination of Discrimination against Women in updating its general recommendation No. 19, in which the Special Rapporteur participated, which will incorporate the latest developments at the national, regional and international levels, and build upon the growing jurisprudence and work of the Committee, and the work of the Special Rapporteur. The update could indeed provide useful and very much needed additional guidance on steps that should be taken to address gender-based**

violence whenever it occurs and to speed up its elimination. The mandate holder calls for an inclusive participatory process in updating general recommendation No. 19. Complementary to that work, the Special Rapporteur also calls for renewed attention to the Declaration on the Elimination of Discrimination against Women, and in particular the need for States to consider the possibility of developing guidelines to assist in the implementation of the principles set forth in it.

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Report of the Special Rapporteur on violence against women, its causes and consequences

Corrigendum

Page 16

Footnote 14 *should read*

[14] See Women against Violence Europe Network and European info Centre against Violence (WAVE), "Description of a women's shelter" (available at www.wave-network.org/sites/default/files/shelterdescription.pdf). Some cases in which a restraining or protection orders were requested by the victim have been analysed by the Committee on the Elimination of Discrimination against Women, including *Sahide Goekce (deceased) v. Austria* (case 5/2005); *Fatma Yildrim (deceased) v. Austria* (case 6/2005); *V.K. v. Bulgaria* (case 20/2008); *Isatou Jallow v. Bulgaria* (case 32/2011) (in this case, the perpetrator was granted a protection order, on the basis that he was victim of violence, requiring the real victim to leave the family house); *Gonzalez Carreño v. Spain* (case 47/2012); and *A.T. v. Hungary* (case 2/2003) (at the moment of the facts there were no protection or restraining orders available under the domestic law).

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Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to the Sudan

Note by the Secretariat

The present report contains the findings of the Special Rapporteur on violence against women, its causes and consequences, following her visit to the Sudan from 13 to 24 May 2015. The Special Rapporteur examines the situation of violence against women in the country taking into account its causes and consequences. She also discusses the responses of the State, United Nations agencies and donors to prevent such violence, to protect and provide remedies for women who have been subjected to such violence, and to prosecute and punish the perpetrators.

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Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Sudan*

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* Circulated in the language of submission and Arabic only.

I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official visit to the Sudan from 13 to 24 May 2015. The objective of the visit was to examine the situation of violence against women in the country taking into account its causes and consequences, and the responses of the State, United Nations agencies and donors to prevent such violence, to protect and provide remedies to women who have been subjected to violence, and to prosecute and punish the perpetrators.

2. During her 12-day visit, the Special Rapporteur travelled to Khartoum, where she met with the State Minister for Foreign Affairs, the Minister of Welfare and Social Security, the Head of the Unit for Combating Violence against Women and Children, the Minister of Justice, the General Prosecutor, representatives of the Ministry of Education, the Ministry of the Interior, the Ministry of Guidance and Endowment, the Ministry of Labour and Health, as well as with the Humanitarian Aid Commissioner. Meetings were also held with members of the National Commission for Human Rights, the Supreme Court, the Sharia Court and the Advisory Council for Human Rights in Khartoum. She attended a talk on United Nations special procedures hosted by the University of Khartoum and the Unit for Combating Violence against Women and Children. She further held meetings with the United Nations Resident and Humanitarian Coordinator in Khartoum, and many of the United Nations specialized agencies. She then travelled to El Fasher, North Darfur, where she met with the State Governor, personnel of the Unit for Combating Violence against Women and Children , the State Governor's Adviser on Women and Children and the General Prosecutor for the Special Court on Darfur Crimes and held meetings with the African Union-United Nations Joint Special Representative for Darfur, as well as with United Nations agencies operating in El Fasher. She further travelled to El Geneina, West Darfur, where she met with the State Governor, personnel of the Unit for Combating Violence, the State Governor's Adviser on Women, as well as with United Nations agencies and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) operating in West Darfur. She finally travelled to El Obbeyid, North Kordofan, where she met with the Deputy State Governor, personnel of the Unit for Combating Violence against Women and Children and United Nations agencies operating there.

3. The Special Rapporteur also met with representatives of civil society organizations, including women's groups in all the sites that she visited. She had the opportunity to visit the Omdurman Women's Prison in Khartoum, the Abu Shock camp for internally displaced persons in El Fasher and the village of Thabit.

4. The Special Rapporteur wishes to express her gratitude to the Government of the Sudan and in particular to all State officials with whom she met. She is also grateful to the Office of the United Nations Resident and Humanitarian Coordinator in Khartoum and UNAMID for supporting and facilitating her visit, and to the World Food Programme for supporting the organization of her visit to North Kordofan. She also thanks representatives of civil society organizations and in particular, women survivors of violence for sharing their perspectives and stories with her. She hopes that there will be a fruitful and continued dialogue between the Government, her successor and other stakeholders on the implementation of her recommendations.

5. The Special Rapporteur refers to the lack of unfettered access throughout the mission as required by the terms of reference for missions of special procedure mandate holders. She highlights the fact that numerous meetings with civil society participants were arranged by the State authorities, and that these authorities were present at most meetings. Attempts to have unfettered access were rejected or ignored by such authorities. In the

interests of attempting to gather information and also visiting sites that are not readily accessible to monitoring mechanisms, the Special Rapporteur decided to complete the visit despite that obstacle.

6. Furthermore, the fear of reprisals by women's rights activists and organizations resulted in many organizations choosing not to meet with the Special Rapporteur. In addition, there was an incident in which State authorities, employed by the intelligence and security sector, attempted, in the presence of the Special Rapporteur, to arrest two students who were trying to share information. That incident, which took place in the hotel where the Special Rapporteur was staying, necessitated the intervention of State officials at the highest level, to prevent the arrests and also to stop harassment of the Special Rapporteur and her staff. During the visit and subsequently, the Special Rapporteur continued to receive allegations about reprisals against interlocutors who met with her as well as those who were attempting to meet with her.

7. She raised her concerns with the State authorities throughout the visit and highlighted the consequences of lack of unfettered access, which made information-gathering and the obtention of frank testimony very difficult. The above-mentioned issues also reinforced the prevailing view that there are reprisals against informants who want to share information on human rights violations.

8. After the visit of the Special Rapporteur, agents from the National Intelligence and Security Services allegedly prevented the distribution of newspapers by confiscating the print editions before distribution. A journalist was also reportedly fired due to the publication of an article on sexual harassment and rape that had occurred in buses transporting students. While the Special Rapporteur does not want to jump to any conclusions about the above, she remains concerned about the silencing of the media on issues of violence against women and girls.

II. Context

9. The Sudan is located in Eastern Africa, borders the Red Sea to the east and shares international boundaries with the Central African Republic, Chad, Egypt, Eritrea Ethiopia, Libya and South Sudan. Since its independence in 1956, the Sudan has been marked by protracted conflict, violence and insecurity. The war that took place from 1955 to 1972 and the civil war of 1983 have affected development in the country, as have the protracted and ongoing conflicts in some areas. The conflict in Darfur that erupted in 2003 has also negatively affected the realization of human rights, due to the persistence of fighting between the Sudanese Armed Forces and armed opposition groups in the region (see A/HRC/24/31, para. 1). According to a government official, unilateral sanctions that have been imposed on the Sudan are also having negative effects, including on women and children's health. No empirical information was shared with the Special Rapporteur in support of that statement.

10. In 2005 following peace negotiations, the Comprehensive Peace Agreement was signed between the Government and the Sudan People's Liberation Movement/Army. The final document included provisions to allow the southern area of the Sudan to have a referendum on independence. This was held in 2011 and South Sudan became independent in July 2011. Furthermore, in 2006, the Darfur Peace Agreement was signed between the Government and the Sudan Liberation Movement/Army. Those agreements did not, however, succeed in ending the conflict and the interim period was punctuated with outbreaks of conflict, leading to horrific levels of violence and also mass displacement. Despite its very slow implementation, the Doha Document for Peace in Darfur which was

signed in 2011 between the Government and the Liberation and Justice Movement, is currently regarded as the only viable road map for peace in Darfur.

11. The current Interim National Constitution, which addresses basic human rights in a bill of rights, was adopted in 2005, following the signature of the Comprehensive Peace Agreement. A final comprehensive constitution was to have been adopted after the independence of South Sudan. National inclusive dialogues on a final constitution are ongoing. It is unclear when a new constitution will be adopted, and also whether substantive human rights protection, in particular for women and girls, will be included.

12. Despite the above-mentioned efforts, the Sudan continues to face numerous political, economic and social challenges, due to a number of issues left unresolved under the Comprehensive Peace Agreement (see A/HRC/24/31, para. 12). Overall, the region remains extremely fragile with the potential for a rapid deterioration of the security situation. This was exemplified by the fresh wave of conflict, which broke out in early 2014 between government forces and allied militia forces and other armed militia groups in the Darfur region. The Office for the Coordination of Humanitarian Affairs estimates that between January and May 2014, over 397,000 people became internally displaced and from January to April 2015, 143,000 people had been internally displaced. While some have been able to return, 266,000 people were thought to remain displaced as at July 2014 and the everyday situation remains extremely challenging for many, especially women and children. Women from conflict-affected areas, who have to engage in routine livelihood activities to support their families, are often exposed to security risks, including sexual and gender-based violence At the time of the visit of the Special Rapporteur, the human rights situation in the country was a source of deep concern, more so in conflict-affected areas, including Darfur, South Kordofan, Blue Nile and Abyei. It is possible to predict the potential for a rapid deterioration in security, and consequently an exacerbation of violence against women and girls.

III. Manifestations of violence against women and girls

13. The human rights situation of women in the Sudan should be seen in the light of pre-existing patterns of oppression and subordination, different manifestations of violence against women and girls, and multiple forms of discrimination which have been exacerbated by decades of armed conflict. Unfortunately, government interlocutors consistently claimed during the visit that violence against women did not exist in the Sudan, except in the Darfur region.

14. Furthermore during the visit, it was impossible for the Special Rapporteur to verify the true extent of the phenomenon of violence against women and girls owing to a range of factors, such as the limitations regarding official data on violence against women and the lack of mechanisms to collect or disaggregate data. Social stigma and cultural norms surrounding violence against women have also led to significant underreporting of incidents, particularly cases of domestic violence. Lack of knowledge about relevant laws, the ineffective implementation of such laws and the lack of accountability for gendered crimes further contribute to the challenges faced in ascertaining accurate information on such incidents as well as their prevalence rates.

15. The Special Rapporteur received information and also noted during the visit that numerous manifestations of violence against women and girls existed and remained widespread. In addition, girl children are further exposed to harmful cultural practices, including female genital mutilation and early marriage (see A/HRC/24/31, para. 34). The following areas of concern were noted during the visit.

A. Domestic violence

16. The Special Rapporteur was informed that domestic violence is widespread, pervasive and remains largely invisible, due to the absence of reporting mechanisms and statistics as well as a lack of adequate policies and programmes. The Special Rapporteur heard numerous accounts of domestic violence, both directly from victims and also from service providers. The description of weapons used, including rocks, and the injuries sustained by women, including permanent damage to the eyes, were underpinned by statements about the lack of access to assistance, whether from family, friends, neighbours or State authorities. Seeking redress from the police and the courts, including seeking a divorce, was an exercise in futility for most women.

17. Theoretically women have the right to lay charges against their alleged abusers for simple or serious harm, but such cases are rare and difficult to bring before a court, due to factors relating to the justice system, and to social and economic factors, including stigma and barriers to access to justice. Women who are subjected to domestic violence are generally encouraged to seek reconciliation because violence against women is largely viewed as a private matter which should be resolved within the family. The Special Rapporteur was informed that, owing to the limited facilities for reporting violence and the lack of an effective response if such facilities are used, victims of domestic violence face further problems, including being encouraged by the police to seek reconciliation, which contributes to their revictimization. Such factors contribute to the silencing and denial of the problem, and also to the denial of remedies. Furthermore, a large number of women and girls live in a context of deep inequality, underdevelopment and poverty, which exacerbates both their vulnerability and also their access to effective remedies.

18. The Special Rapporteur is concerned by the widespread lack of access to justice for women victims of domestic violence, including the absence of legal assistance or State-sponsored legal aid, as well as by the culture of impunity and the silencing of victims.

B. Rape

19. During her visit, the Special Rapporteur was informed of cases of sexual violence and rape in the Sudan, which seem to be more prevalent in conflict areas. She was also informed of the practice of abduction and rape of young women and girls, resulting in defilement, thus enabling the achievement of the goal of marriage through coercive and violent means.

20. It is reportedly difficult for victims of rape to report such cases to the police and to participate in prosecutions, owing to shame, stigmatization and suspicion of adultery by the family and community.[1] The fear felt by victims is reinforced by the previous article 149 of the Criminal Act, under which women could be criminalized for adultery and risked being sentenced to death. The inaccessibility of police stations in remote areas, the lack of responsiveness by the police and the lack of access to health care and psychological support, result in many women not trusting the system and not reporting cases of sexual violence.

21. Marital rape is not criminalized under the Criminal Act. Sections 52 (a) and 91-95 of the Sudanese Personal Status Law for Muslims state that a wife has to obey her husband. These provisions contribute to the interpretation and expectation that women have to

[1] Norwegian Peacebuilding Resource Centre, "From impunity to prosecution? Sexual violence in Sudan beyond Darfur" (February 2012), p. 7.

comply with all orders from their husbands, including sexual demands, irrespective of consent. This leads the problem of rape that occurs within the family to become invisible.

22. The Special Rapporteur also visited the village of Thabit, North Darfur, which has been the subject of allegations of mass rape committed in October 2014 by soldiers of the Sudanese Armed Forces. The overwhelming presence of security forces during the visit to that village made it impossible to monitor, document, verify and report with accuracy on the allegations of mass rape. It was clearly observable that the community was intimidated by the presence of the security forces. The Special Rapporteur points out that the only petition she received was through the Women's Union which had been assembled by the State authorities in preparation for her visit. The petition and the statements made during the event indicated that no rapes had occurred, and that the only violation had been to the honour of the women of the village, because of the allegation of mass rape. The Special Rapporteur and her staff attempted to conduct individual interviews during that meeting, but that was impossible due to the security presence, the emotional interventions from speakers and the lack of privacy to ensure confidentiality and the anonymity of interlocutors.

23. The Special Rapporteur points out that the Special Prosecutor for Crimes in Darfur and UNAMID have also attempted to investigate the allegations. The latter's investigation, however, was rendered impossible, with access only granted after undue delays well after the allegations had surfaced, and United Nations officials being asked to conduct their investigations within three hours, while in the presence of government and military observers. The Special Rapporteur indicates that due to those restrictions UNAMID was unable to verify the claims and that fact was published in a press release. The Special Rapporteur emphasizes that this is not tantamount to a finding that the allegations did not occur.

24. The Special Prosecutor for Crimes in Darfur visited the village twice for four hours each time, and came to the conclusion that no rapes had occurred in Thabit, and that the allegations of mass rape had caused damage to the reputation of women. From a legal standpoint, that conclusion is questionable, as according to established legal principles, his investigation could only conclude that there was no factual evidence of rape, but that does not mean that women had not been raped, just because no evidence had been found. The Special Rapporteur is therefore of the view that to date, there have been no substantive means, by any institution or entity, governmental or otherwise, to verify the allegations independently.

25. The Special Rapporteur was informed, both before and during her visit, of allegations of mass rape perpetrated by security forces in other locations in the Sudan, including in Tawila, North Darfur, and Golo, West Darfur. She reiterates her call for the Government to set up a commission of inquiry to look into reports of allegations of mass rape in these various regions, including those in the village of Thabit.

C. Early and forced marriage

26. Lack of data makes it difficult to ascertain the extent of the practice of early and forced marriage. Nevertheless, throughout her visit, the Special Rapporteur was informed that early marriage remained prevalent in the country. Moreover, in situations of poverty and as accepted social practice, parents perceive a girl child as a source of wealth and income, which further contributes to the practice. Legislative provisions, including article 40 of the Sudanese Personal Status Law for Muslims, which states that a 10-year-old girl can get married if it is "justified" before a court of law, allow for justifications that do not take into consideration the best interests of the girl child.

27. In Khartoum, the Special Rapporteur met with a 13-year-old survivor of rape and forced marriage, who was married at the age of 10. As a result of being raped, she became pregnant and experienced physical difficulties due to her age. She suffered from eclampsia and lapsed into a coma for 14 days. At the time of the visit, she was undergoing treatment for psychological problems following the trauma of the rape, the forced marriage and the pregnancy. She was also being counselled regarding her rejection of her baby, who was being taken care of by her mother. That child is one of the few fortunate victims who has access to a service provider from a non-governmental organization (NGO).

D. Female genital mutilation

28. The Special Rapporteur was informed that the practice of female genital mutilation remains prevalent in the country. Statistics indicate that the national rate of female genital mutilation is approximately 65.5 per cent,[2] with prevalence rates varying in the different regions.[3] It is primarily girls under the age of 12 who undergo the procedure. Women who are not circumcised are also pressured to undergo the procedure before getting married. Reports indicate that some young girls die from the shock and pain caused by the mutilation, which is normally done without anaesthesia, as well as from infections and massive blood loss.

29. During the visit, the State authorities indicated their commitment to prohibit and eradicate female genital mutilation, including through the development of a strategy and a national action plan. The Special Rapporteur points out that while some states, including South Kordofan[4] and Gadaref, have implemented legislation prohibiting the practice, there is unfortunately no legislation at the national level in this regard. The Special Rapporteur was informed that it is not religion that requires women to undergo such harmful practices.

E. Violence against women in custodial settings

30. At the time of the visit to the Omdurman women's prison in Khartoum, there were 918 detainees, accompanied by 130 of their children. The Special Rapporteur is concerned that many women are sentenced and incarcerated for minor crimes, including for being unable to pay back microfinance loans, or for informal small economic activities that meet subsistence needs, including being tea ladies, food sellers and domestic workers.

31. The Special Rapporteur was informed that many women who have served their time remain in prison, because they cannot afford to pay the compensation (*diyaa*) or the money that they owe to lenders. In addition, the Special Rapporteur notes with concern that pregnant women are regularly imprisoned and give birth in prison without the appropriate medical care. Access to other medical services, such as routine tests for HIV/AIDS and cancer detection, including Pap tests, are not available.

32. During the visit, the Special Rapporteur was informed of alleged cases of arbitrary detention of women human rights defenders, including students and women belonging to ethnic and/or religious minority groups. The arrests are usually carried out by officers of the National Intelligence and Security Services or by other State agents. Despite the existence of article 51 of the National Security Law (2010), during interrogation women are allegedly intimidated and suffer torture and other cruel inhuman or degrading treatment or

[2] United Nations Population Fund (UNFPA), *Ending Female Genital Mutilation/Cutting in Sudan*, p. 2.
[3] UNFPA, Draft Country Programme Document for Sudan (DP/FPA/DCP/SDN/6), para. 10.
[4] Southern Kordofan Female Genital Mutilation Act, 2008.

punishment, including being raped in some instances. The Special Rapporteur is concerned about the occurrence of such acts and the targeting of female human rights defenders generally, and in particular women belonging to ethnic and/or religious minority groups. Furthermore, women are allegedly threatened upon their release, and warned about reporting the violations or seeking medical care. Allegations were also received about the blacklisting of human rights defenders after incarceration, and the restrictions placed on them, including the denial of the possibility of leaving the country.

F. Racialized/ethnic violence

33. The Special Rapporteur received allegations about targeted harassment of women from minority ethnic groups, including Darfuri and Nuba women. Their humiliation is in particular linked to their perceived racial identity and questioning of their "Arab" identity. Information was shared about the practice of cutting the hair of some women from Darfuri communities, as well as sexual harassment and/or rape allegedly conducted against both Darfuri and Nuba women by the State authorities. It was also reported that persons of Nuba origin had fewer job opportunities, might be more likely to be victims of violence or threats by the authorities, and were the target of discriminatory application of the law.

34. Unfortunately, due to the restrictions described above regarding unfettered access and reprisals, it was difficult to gather more information on the manifestations of violence. It is regrettable that the State authorities have denied that racial and ethnic identity is the source, and can be an exacerbating factor, of violations being experienced by women from minority communities.

G. Violence against internally displaced women

35. The Special Rapporteur was informed that sexual and gender-based violence continues to be used in the context of conflict. The conflict and the humanitarian crisis, which have had a disproportionate impact on women and girls, and the particular vulnerability faced by persons displaced by conflict and drought, have further exposed women to violence. The presence of armed groups in the camps and surrounding areas has also contributed to the current situation of insecurity and the use of rape and sexual violence against civilian women and girls as a weapon of war, by all sides in the conflict.

36. The Special Rapporteur points to a lack of or limited reporting of sexual violence that is occurring in camps for internally displaced persons. Factors such as social stigma, inaction by the police and fears of reprisals against victims and eyewitnesses impede the reporting of violence.

37. In areas with lower security risks, the cases of sexual violence committed against internally displaced women that are reported to the police remain largely unaddressed by the authorities.

38. The security situation in camps for internally displaced persons is reportedly unstable, and there is criminality within the camps that targets women. The security risks the women face when venturing outside the camps are also of concern (see A/HRC/23/44/Add.2, para. 38). To support their families, and in the light of recent changes to humanitarian assistance programmes within the camps, including reductions in food provisions, many women are forced to seek agricultural work and collect wood outside the camps, where they become vulnerable to sexual violence.

39. At the time of the visit of the Special Rapporteur to the Abu Shock camp for internally displaced persons, 47,500 people were living there. She was informed that the

security situation in the camp was of concern, including allegations of armed men going into the camps at night, threatening people and demanding money. There are reportedly no doctors permanently based in the camp clinic and minimal medication is available. Allegations were made about women dying in childbirth.

H. Trafficking of women and girls

40. The Sudan is a transit and destination country for human trafficking. Since 2011, there has been a significant increase in the number of asylum seekers and refugees who have been trafficked into slavery and slavery-like situations.[5] The Special Rapporteur has received reports of increased trafficking of women and girls, mainly in Eastern Sudan and Khartoum. It was reported that some women pay to travel via the Sudan using the services of male agents, who then allegedly transfer them to a Sudanese agent once in the country. Their identity documents are then taken away to prevent them from leaving.

41. Refugees reportedly arrive in the eastern part of Sudan, but due to the difficult conditions in the camps and the lack of employment opportunities in the region, they move from the camps to urban centres in the Sudan or other neighbouring countries. In addition, owing to the crisis affecting South Sudan, many South Sudanese refugees are reportedly moving to the Sudan.

42. Many of the trafficked persons are Eritrean, Ethiopian and Somali women and children, who are often seeking alternatives to living in refugee camps and a way to reach Europe. As a result of trafficking, they find themselves in involuntary domestic servitude or other types of forced labour, including sexual exploitation. During her visit to Somalia in 2011, the Special Rapporteur had been informed of cases of Somali women who had been intercepted by militias in the Sudan and were being trafficked (see A/HRC/20/16/Add.3, para. 32).

43. Trafficked women and girls are at higher risk of being subject to various forms of violence linked to trafficking for the purposes of sexual exploitation. They are also unable to negotiate safe sex, which puts them at risk of becoming pregnant, and contracting HIV/AIDS and/or other sexually transmitted diseases. There are reportedly cases in which victims of trafficking are killed and their organs sold.[6] Victims are reluctant to seek assistance because of their status as victims of trafficking.

IV. Observations of United Nations monitoring mechanisms

44. The Sudan has ratified numerous core international and regional human rights instruments. It has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Sudan is a party to the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children of the Pact on Security, Stability and Development of the Great Lakes Region, but is not a party to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of

[5] Office of the United Nations High Commissioner for Refugees-International Organization for Migration (IOM), *Joint UNHCR-IOM Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan 2013-2014*, p. 2.

[6] Ibid.

All Persons from Enforced Disappearance or the Rome Statute of the International Criminal Court.

45 The Government has not issued a standing invitation to all thematic special procedure mandate holders. There are currently five pending requests by mandate holders for invitations to visit the Sudan.[7] Since 2004, the mandate-holder and her predecessors have sent 35 communications to the Government, to six of which the Government has replied. In addition, the Government has responded to 39 out of 195 communications issued by all special procedure mandate holders.

46. The first visit to the Sudan by a special rapporteur on violence against women, its causes and consequences took place in 2004, and was limited to a short visit to Darfur. It took place in the context of the mandate holder's participation in the first African Regional Consultation on Violence against Women. In her report, the mandate holder called for investigations into all allegations of violence against women, the protection of witnesses and victims and the payment of compensation to survivors. She also recommended ensuring the security of civilians and introducing protection measures to reduce the ongoing risks of rape, beatings and abductions of women and girls when they move outside camps and villages for internally displaced persons. Another recommendation made was for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (see E/CN.4/2005/72/Add.5).

47. In his 2013 report (A/HRC/25/31), the Independent Expert on human rights in the Sudan raised concerns about the protection of women and children's rights and recommended upholding the guarantees contained in the Interim National Constitution.

48. The Special Rapporteur on the human rights of internally displaced persons in his 2013 report pointed out that displaced women and girls continued to be at increased risk of various forms of abuse and exploitation (see A/HRC/23/44/Add.2, para. 38).

49. The Committee on the Rights of the Child indicated in its concluding observations in 2010 (CRC/C/SDN/CO/3-4) that the action plan on female genital mutilation lacked a comprehensive human rights-based approach.

50. The Human Rights Committee in its concluding observations following the review of the Sudan in 2014, expressed concern about the persistence of discriminatory provisions against women in legislation, including in the areas of family and personal status. The Committee also expressed concern about reports of discrimination against women in the enforcement of certain provisions, in particular article 152 of the Criminal Act, 1991, used in cases relating to indecent conduct or clothing. In addition, the Committee expressed concern that violence against women remained a serious problem, including in conflict-affected areas (see CCPR/C/SDN/CO/4, paras. 10 and 12).

51. In 2014 the Human Rights Committee expressed its concern about allegations indicating that State officials had curtailed the full and effective enjoyment of the right to freedom of expression by, inter alia, closing newspapers without court orders, confiscating entire newspaper editions and subjecting journalists to intimidation and harassment, and about article 19 of the 2009 Press and Publications Act under which a journalist can be prosecuted for disseminating "false news" (ibid., para. 21).

[7] The Special Rapporteur on the right to food, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on the human right to safe drinking water and sanitation.

52. The Committee on the Elimination of Racial Discrimination, after its review of the Sudan in 2015, stated that it remained concerned about allegations of mass rape by soldiers of the Sudanese Armed Forces of women in the village of Thabit in October 2014, which have not been thoroughly and effectively investigated. In addition, it expressed concern about the reported occurrence of similar cases of sexual violence in conflict areas, with perpetrators remaining largely unpunished (see CERD/C/SDN/CO/12-16, para. 11).

53. The Sudan was subject to a universal periodic review in May 2011, during which the situation of women and children, violence against women, discrimination against women in legislation and in practice and the norm of impunity were sources of concern. The Government accepted 160 out of the 200 recommendations made in part or in full and declared its commitment to their implementation.

V. United Nations programmes in the Sudan

54. The United Nations country team in the Sudan comprises 25 agencies, funds and programmes. The United Nations has been active in the Sudan since 1999, delivering humanitarian assistance and implementing recovery and development programmes, both directly and also through national implementing partners. The country team is composed of heads of agencies under the leadership of the Resident and Humanitarian Coordinator.

55. UNAMID was established in Darfur on 31 July 2007 to protect civilians and to ensure security for humanitarian assistance. The mandate of UNAMID was defined in Security Council resolution 1769 (2007), in which the Council emphasized the need to focus on developmental initiatives that would bring peace dividends on the ground in Darfur. The Council requested the monitoring and verification of the implementation of agreements, such as the Darfur Peace Agreement, as well as the promotion of human rights, governance and the rule of law. The head of UNAMID serves as the Special Representative of the Secretary-General and UNAMID works with the Resident Coordinator and Humanitarian Coordinator and member agencies of the country team. The Office of the United Nations High Commissioner for Human Rights is represented through the UNAMID Human Rights Section.[8]

56. The Special Rapporteur was informed of current discussions regarding the development of an exit strategy for UNAMID, which was potentially scheduled for 2015. In its resolution 2228 (2015) the Security Council extended the UNAMID presence for one more year, which is a welcome development, in the light of concerns expressed by both civil society and United Nations staff members. The need for more time to develop an exit strategy, and also more time to assist in the handover of initiatives, is an imperative that cannot be ignored, in the light of the prevailing precarious situation.

57. The United Nations Development Programme (UNDP) has been active in supporting the National Commission for Human Rights in developing a five-year strategy to strengthen its work. In this regard, UNAMID and UNDP have developed a joint programme on access to justice and the rule of law. UNDP is also providing training to civil society on violence against women and has provided legal aid services and support to women from remote areas.

58. The Office of the United Nations High Commissioner for Refugees (UNHCR) coordinates emergency shelter and protection for refugees in the Sudan, providing humanitarian aid, including assisting with the registration of births of babies born in camps.

[8] See *Human Rights Situation in Darfur* (2013), available from www.ohchr.org/Documents/Countries/SD/UNAMID_OHCHR_situation_Darfur2013.pdf.

The Special Rapporteur was informed that UNHCR was unable to fulfil its mission effectively, as access to humanitarian aid is restricted in some areas of the country.

59. The Special Rapporteur was informed about recent changes that have been made to the World Food Programme, due to a large number of people who had not been registered receiving food, which had led to complaints from beneficiaries. At the time of the visit, individuals were receiving 42 Sudanese pounds per month (approximately US$ 6).

60. The strategy of the Office for the Coordination of Humanitarian Affairs includes, inter alia, the provision of emergency relief to vulnerable people affected by conflict and disaster and of humanitarian protection to people affected.

61. The United Nations Entity for Gender Equality and the Empowerment of Women partners with government institutions, civil society organizations and other United Nations agencies, for programmatic activities.

62. The presence of the United Nations Population Fund since 2014 has resulted in the provision of training for medical personnel, and programmatic activities responding to gender-based violence, maternal mortality, HIV/AIDS, early marriage and female genital mutilation. The Special Rapporteur was informed that the Fund has been facing challenges in collecting data on violence against women and girls.

VI. State responses and measures to address violence against women

A. Developments in the constitutional and legislative framework

63. The Interim National Constitution of 2005 contains provisions relevant to women's human rights, particularly articles 31 and 32, to ensure non-discrimination and equal treatment of women in all spheres, including through the adoption of affirmative action policies for women.

64. The Special Rapporteur was informed that the adoption of the Electoral Law in 2014 raised the quota for participation of women in all spheres of public life from 25 to 30 per cent. Due to lack of information, it is unclear if actual representation exceeds the 30 per cent quota.

65. She was also informed of an ongoing review of all laws discriminating against women, which was launched in 2006. According to information received, over 26 laws have been identified as containing provisions discriminatory to women. The reviewing committee tabled its report in 2010 to Parliament, through the Women's Caucus.

66. In February 2015, the Criminal Act, 1991 was amended, in particular article 149 which addressed the crimes of rape and adultery. The article was replaced with new provisions which distinguish rape from adultery. The Special Rapporteur acknowledges the importance of these amendments, particularly due to the consequences of the interpretation of the previous article 149, whereby victims of rape were prosecuted for committing adultery. That served as an additional barrier to the reporting of incidents of rape. Concerns have been expressed about the possibility of continued discriminatory interpretations of the

amended article 149, when read with other provisions of the Act, including article 152. Furthermore, a new provision on sexual harassment was introduced (art. 151).[9]

67. The Special Rapporteur was informed about potential law reform at the federal level regarding the minimum age of marriage which would have national applicability. Three states currently have legal provisions regarding the minimum age of marriage.

68. The Special Rapporteur welcomes the removal, by Decree No.°2 of 2004, of the procedural requirements (form 8), which previously required a victim of violence to report the crime to the police in order to be eligible to receive medical treatment. The Special Rapporteur, however, heard testimonies to the fact that form 8 continued to be a barrier to seeking medical care.

69. The Special Rapporteur notes the prohibition of female genital mutilation in two states, South Kordofan and Gadaref, and also of the preparation of a federal law by the Ministry of Health, in cooperation with the United Nations Children's Fund (UNICEF) to prohibit the practice throughout the country.

70. The Special Rapporteur was informed that the Human Trafficking Act, enacted in January 2014 and adopted in March 2015, adopts the definition of trafficking as outlined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

71. The Special Rapporteur welcomes the adoption of the Asylum Act 2014, which creates a legal framework and protects, to a limited extent, some rights of refugees and asylum seekers in the country, including the right to basic education and health services. The Special Rapporteur points out, however, that these asylum seekers receive hospitality and not asylum. She regrets that the law does not conform to international standards, in particular regarding freedom of movement and procedures for the determination of refugee status.

B. Developments in the policy and institutional framework

72. At the national level, there are a number of policies and strategies on violence against women, including the 2011-2016 national plan for eradicating violence against women, along with its successor for 2015 to 2031, which is currently in the process of finalization. The Sudan also has a national policy for the empowerment of women and a national strategy for combating harmful traditional practices, including female genital mutilation (2007-2018), overseen by the National Council for Child Welfare. That has been followed by the adoption of a national plan of action to end female genital mutilation (2007-2018) (see CRC/C/SDN/CO/3-4, para. 13).

73. At the institutional level, the Government has established a nationwide institutional mechanism to respond to violence against women, the Unit for Combating Violence against Women. This body coordinates all efforts to end violence against women and provides leadership in the field. The Unit has also established other units in nine states. In other states where there is no unit, there are interim committees and gender advisers to the State Governor.

[9] See Strategic Initiative for Women in the Horn of Africa (SIHA), "Beyond trousers—the public order regime and the human rights of women and girls in Sudan: a discussion paper", submission to the 46th ordinary session of the African Commission on Human and Peoples' Rights, Banjul (12 November 2009).

74. The Special Rapporteur notes the existence of women's directorates within all 17 states of the country and gender focal points within each ministry. A national committee for the advancement of women was also created in 2003, forming part of the institutional mechanisms working towards the promotion and protection of women's human rights.

75. Within the Ministry of the Interior, efforts have been made since 2007 to set up child and family protection units and there are currently 20 such units operating throughout the country. The Director-General of the police has also issued a decree to ensure that medical services are free for women and children who are victims of violence. Within the police service, a gender desk was established in 2007, which currently has the status of an independent unit that focuses on issues relating to the family and children.

76. The National Human Rights Commission was established under article 142 of the Interim National Constitution. The Advisory Council for Human Rights exists at the executive level and provides advice to the State on human rights matters, including legislation. The Council also receives complaints about human rights violations and is responsible for reporting obligations to international human rights mechanisms. It is presided over by the Minister of Justice and has a membership of over 52 members, from the State and non-State sectors.

77. A national committee to combat trafficking in persons has been set up in Kassala State and a special prosecutor investigates crimes of human trafficking in Eastern Sudan. The Special Rapporteur was informed that the Government is involved in the implementation of the Joint UNHCR-IOM Strategy to Address Trafficking, Smuggling and Kidnapping of Persons in Sudan, particularly in the areas of investigation and criminal prosecution of such cases.

VII. Challenges

A. Humanitarian and security situation

78. The Special Rapporteur recognizes that the situation of women in the Sudan has been marked by the prolonged situation of conflict that has dominated the country since decolonization. This has resulted in significant levels of instability, insecurity, violence, rule of law challenges, and poverty and underdevelopment, which have obstructed the effective realization and enjoyment of human rights for the people of the Sudan.

79. The protracted conflict in Darfur has also contributed to the current situation of insecurity for many women and girls in that region. The presence of different armed groups, the existence of intertribal conflicts and the proliferation of weapons, including increasingly sophisticated weapons, have all helped to create a situation of persistent conflict and insecurity. The Special Rapporteur is fully aware of how painful the situation is, and the need for the Sudanese people to achieve some sense of normality, to survive and create a life free of violence, poverty and insecurity. The proximity and constancy of the conflict make it difficult to move forward and reach consensus on national reconciliation and also to address past violations of human rights, especially women's rights violations. In this regard the presence of UNAMID has been important, as it has provided a measure of accountability and control within the conflict situation.

80. An end to the ongoing conflict, the guarantee of security for the entire population and the rebuilding of the economic, social and political infrastructure and institutions of the State are key to being able to address vital needs and deliver basic services. These urgent priorities will have to be underpinned by strong social and political cohesion.

B. Legal and constitutional challenges

81. Despite recent developments in legislation, policies and programmes as well as the cooperation of the Government with international human rights mechanisms, violations of women's human rights, especially violence against women and girls, remain largely unaddressed, with impunity remaining pervasive. The Special Rapporteur notes with deep concern that there is no comprehensive law prohibiting all forms of violence against women and girls.

82. The review of all laws, particularly the Criminal Act, the Sudanese Personal Status Law for Muslims and the Public Order Law, to identify discrimination is laudable, but the Special Rapporteur remains concerned about the negative impact on gender in the interpretation and implementation of existing and new legal provisions, including article 152 of the Criminal Code on indecent behaviour which has a disproportionately negative impact on the lives of women and girls in the Sudan.

83. The new article 149 of the Criminal Act that criminalizes rape and distinguishes rape from adultery, does not include other constitutive elements of rape, such as forced penetration of the mouth and penetration of the genital organs with objects. Article 151 on gross indecency is also applied to cases of sexual harassment, while article 135 makes reference to the right to an abortion if pregnancy results as a consequence of rape.

84. The Special Rapporteur is concerned about the application of the Sudanese Personal Status Law for Muslims, including provisions which permit the marriage of girls over the age of 10, about the imposition of a dowry as part of a marriage requirement, restrictions to women's inheritance rights, and about the discrimination inherent in the ability of women to testify and the value of their testimony in legal proceedings. The Chief Justice of the Supreme Court informed the Special Rapporteur that where interpretation of the Law is incompatible with the standards of non-discrimination set forth in the Constitution, the Supreme Court issues circulars to rectify the incompatibilities in interpretation. It is, however, unclear if remedial action is taken in cases where such incompatibilities are found. In addition, judicial directives are of persuasive value, but may not be legally binding over all courts and all judges.

85. The Public Order Law, which is disproportionately applied against women, is used to regulate freedom of dress, movement, association, work and study. A presidential decree of 2006 purportedly removed certain crimes falling under the Law and introduced them into the Criminal Act. The public order police are reportedly ignoring the decree, and continue to apply the old law when patrolling the streets and conducting sweeps. As a result, every day up to 40 women are brought to the courts in Khartoum for infringements linked to the Law. They are often tried without the presence of a lawyer and sentenced to prison sentences, fines or public lashings. This applies in particular to poor and vulnerable women who work in informal sectors of the economy.

86. In addition, other legislative instruments, such as the National Security Act and the Criminal Act, infringe fundamental human rights and freedoms, including freedom of movement, expression, opinion and association. The Special Rapporteur was informed that increasing demands by political opposition groups, civil society organizations and students for democratic reforms have resulted in violent and authoritarian action, including arrests and detention by the security forces. Impunity for such violations remains a recurring problem, owing, inter alia, to the immunities from criminal prosecution that are granted to State agents.

C. Institutional challenges

87. The Special Rapporteur notes numerous factors that further compound the challenge of combating all manifestations of violence against women. The various overlapping institutional mechanisms, with complementary but duplicating functions, at both the federal and state levels, do not necessary allow for efficient and comprehensive remedies for violence against women. The various units for combating violence against women, at the federal and state levels, each have various substructures and departments. Women's directorates within all 17 states, gender focal points within each ministry, and the National Committee for the Advancement of Women have all been established; however, more clarity is needed to better define their roles and competencies in order to avoid duplication and overlaps.

88. The Special Rapporteur is concerned about reports of the challenges faced regarding the registration of NGOs in general and women's rights NGOs in particular. Harassment and deregistration of NGOs are a problem that seems to affect women's rights organizations disproportionately. NGO registration is overseen by the Humanitarian Affairs Committee, which includes the National Intelligence Security Services.

89. The lack of consultations and of an inclusive approach with civil society individuals and organizations in the development of the national plan for eradicating violence against women and the national strategy for combating harmful traditional practices is regrettable and is not in the best interests of women living in the Sudan.

90. The Special Rapporteur takes note of the lack of systematic data collection relating to violence against women. She regrets that she was unable to obtain relevant statistical data from the authorities to enhance her understanding of the manifestations and prevalence of such violence. Neither were United Nations agencies able to provide her with comprehensive data on gender-based violence. The lack of both disaggregated data and a system to manage data in a centralized manner makes it impossible to provide a comprehensive situational analysis of violence against women. This has consequently prevented the coherent planning and development of programmes to eliminate violence against women and girls.

D. Structural challenges

91. The Special Rapporteur points out the importance of religion, tradition and culture in Sudanese society. However, the roles assigned to women and girls within the family and community often have a negative impact on numerous rights. In addition, the persistence of beliefs and roles, which privilege men as holders of authority, is particularly strong within the family and contributes to violence against women and children. The view that violence that takes place in the home is a private matter is also a source of concern. Furthermore, single women, divorced women, women in polygynous marriages and displaced women who live on their own, are more vulnerable to violence, due to the perception that they are violating traditional and religious norms.

92. Despite the many mechanisms that have been established and the legal amendments made to better protect women from human rights violations, the Special Rapporteur notes with regret that officials at the highest levels, including from units specifically set up to combat violence against women, continue to deny the existence of any manifestations of violence against women in the Sudan, except those that occur in the Darfur region. Interlocutors confirmed that cultural and societal taboos contribute to the underreporting of cases, which is made worse by the culture of denial on the part of the State authorities.

E. Lack of effective remedies

93. Efforts have been undertaken to rebuild the justice system, but challenges continue, due to the lack of dedicated and coordinated attention, including the provision of proper human and financial resources. The Special Rapporteur points out that, due to the prolonged conflict, the formal justice system is dysfunctional and unable to be effective, in particular in regions that continue to be affected by instability. This is particularly reflected in the lack of access to justice for women, underreporting and widespread impunity especially with regard to cases of violence against women. Outside large cities, the formal justice system remains inaccessible owing to geographic distance, security concerns, lack of information and awareness, and the inefficiency and non-responsiveness of the system.

94. Accountability for gendered crimes is the exception rather than the norm, due to the factors noted above, including the unavailability of legal aid or assistance and other support for victims, such as shelters and counselling, which make it even more difficult for victims to report such cases of violence. Legal aid is minimally available through a restricted number of civil society organizations that are able to provide legal assistance and information. The fact that legislation also provides State authorities with immunity for criminal acts, renders illusive accountability for acts of violence perpetrated by them.

95. The Special Rapporteur heard that in the majority of cases women victims of domestic violence are discouraged from pursuing legal remedies, or are advised to seek reconciliation with the perpetrator, thus further perpetuating impunity.

96. In addition, the application of traditional customs and a law based on religion that forms part of the legal system and is applied in formal courts, results in sentences that are sometimes not in conformity with international human rights standards.

97. The Special Rapporteur points out that health and counselling services for women victims of violence are almost non-existent. The few facilities that do exist are in poor condition, lack needed medical supplies and suitable health professionals, including staff trained in addressing violence against women.

VIII. Conclusions and recommendations

98. **The Special Rapporteur recognizes the historical, political and environmental context characterizing the Sudan. This context, defined by the insecurity of the protracted conflict, extreme poverty and underdevelopment, food insecurity, drought and the massive internal displacement of people, will require measures to address individual, institutional and structural barriers in order to achieve a process of national reconciliation, political and social reforms and the guarantee of security and to address past and current violations of human rights. The proposed dialogue on a national rebuilding process provides a unique opportunity to promote respect for all human rights for all, including effectively addressing violence against women and girls.**

99. **The Special Rapporteur offers the following recommendations.**

Recommendations addressed to the Government of the Sudan

100. **The Special Rapporteur urges the Government to ratify the core human rights instruments to which the country is not yet a party, i.e. the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocols to the International Covenant on Civil and**

Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court.

101. **The Government should ensure full implementation of the recommendations accepted during the universal periodic review, in particular those relating to promoting women's rights and addressing violence against women.**

102. **The Government and all stakeholders must honour their commitments regarding the Doha Document for Peace in Darfur. These include calls for the adequate representation of all relevant parties in the National Constitutional Review Commission, for the drafting of a permanent constitution, in accordance with international human rights norms and standards, including the promotion and protection of the human rights of women and girls; and to ensure transparency and non-discrimination in all stages of the review, including in the conduct of consultations with all stakeholders, including women's organizations.**

103. **The Government should implement Security Council resolutions on women, peace and security, especially resolutions 1325 (2000) and 1820 (2008), and ensure that women's needs and interests are included in all negotiations, and that rape is prosecuted as a war crime. The State should facilitate the reporting of rape and ensure that all cases are investigated. Perpetrators of sexual violence, including State agents, must be held accountable, and the legislation that grants immunity from criminal prosecution for State agents should be abolished.**

104. **The Government should consider as a matter of priority the enactment of a comprehensive law on violence against women, which would contain specific provisions, among others, on domestic violence, sexual violence, including marital rape, and the criminalization of all forms of sexual harassment. The Special Rapporteur is of the view that a specialized law would provide protective, preventative, educative and remedial measures which would assist in the process of elimination of all manifestations of violence against women. The adoption of such a law requires an inclusive, transparent and consultative process. The law should be accompanied by an implementation plan and adequate budget allocations for its effective implementation.**

105. **The Special Rapporteur urges the Government to follow up on all recommendations of the legislative review process regarding laws that discriminate against women, in particular the Criminal Act, the Public Order Law and the Sudanese Personal Status Law for Muslims. Amendments to discriminatory laws must be made to ensure harmonization with other laws, including relevant procedural laws, in line with international human rights norms and standards. In particular, the Special Rapporteur recommends that the procedural requirement of form 8 should be repealed from the law in its entirety. She recommends that the application and interpretation of religious laws should also be in conformity with international standards on women's human rights.**

106. **The Government should strengthen the institutional framework for the protection and promotion of women's human rights, including through, among others, the units for combating violence against women and children and the Ministry of Welfare and Social Affairs. Relevant institutions should be provided with clearly defined mandates, power and authority, increased visibility and adequate human and financial resources. Relevant authorities should be encouraged to hold periodic meetings, open to all women's rights organizations, to discuss women's human rights challenges and solutions that could inform the formulation and implementation of national policies and programmes.**

107. The Government should ensure that the National Human Rights Commission meets the standards of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in order to ensure its independence and allow it to carry out its mandate effectively. To ensure the efficient use of resources, the Government should avoid duplication in similar areas of work between the Commission and the Advisory Council for Human Rights.

108. The Government should establish a system of standardized collection and analysis of data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women. Monitoring and evaluation tools must also be developed to assess progress made in eliminating violence against women in a clear and systematic way. Obstacles that prevent cases of violence against women from being diligently recorded should be removed, including barriers based on patriarchal norms and stereotypes that result in the failure of law enforcement officials to record criminal complaints or to inform victims of their rights.

109. The Special Rapporteur encourages discussions on the possibility of creating a commission of inquiry, consisting of both national and international persons, to look into the reports of allegations of mass rape in different regions. In addition to identifying and bringing to justice perpetrators of such violence, the commission could also deal with cases regarding compensation to victims of violence and their families. Such a process could serve as a forum to exchange views on national reconciliation, truth, justice and measures to repair the social fabric, as well as to address past human rights violations.

110. The Government should continue to facilitate training and awareness-raising programmes on international and regional instruments on women's human rights in public service training institutions.

111. Regarding the specific situation of internally displaced persons living in camps, the Government should introduce effective protection measures to reduce the risks of all manifestations of violence against women, both inside and outside the camps. Measures should include adequate lighting and security, geographically accessible police stations, and access to appropriate health care and schooling facilities, as well as adequate and accessible shelter and food. United Nations and donor agencies should be encouraged to assist the Government in providing such assistance.

112. The Government should continue to enhance the protection of victims and witnesses of human trafficking, including women and girls who find themselves in situations of servitude within the Sudan. There is a need for harmonized pathways for victim assistance, criminal prosecution of trafficking cases and the implementation of a national action plan to mobilize efforts and implement preventive measures, including reparation measures.

113. The Government should protect human rights defenders, including those from racial and religious minority groups, from harassment, intimidation, arbitrary arrest and detention, as well as torture and ill-treatment.

114. The Government should repeal laws that allow for capital punishment or punishment that includes lashes for women sentenced under the Criminal Act.

115. The Government should adopt the measures necessary to investigate allegations of violations of the rights to freedom of opinion and expression, movement and association in all its forms.

116. **The Special Rapporteur recommends outlawing all forms of female genital mutilation and encourages the Government to adopt a federal law to prohibit the practice and ensure the inclusion of monitoring and reporting mechanisms.**

117. **If an exit strategy is considered for UNAMID, the Special Rapporteur recommends that it should be planned with sufficient time to allow for the effective handover of initiatives, to ensure sustainability afterwards.**

Recommendations addressed to United Nations agencies

118. **The Special Rapporteur acknowledges the support provided by international organizations and donor agencies in promoting gender equality and combating violence against women. She encourages them to continue working with the Government at the federal and state levels to implement the recommendations of the present report, including those relating to the promotion and protection of women's human rights, in both the public and private spheres.**

119. **The United Nations and its specialized agencies should continue their support, including technical assistance, for the effective implementation of national laws and policies and also relevant Security Council resolutions. They must also continue to provide support services to women and girl victims of all manifestations of violence. The Sudan should be included as a priority country for the United Nations Action against Sexual Violence in Conflict initiative, with attention being focused on the individual, institutional and structural factors underlying such violence.**

120. **United Nations agencies and their partners should integrate the relevant recommendations from the universal periodic review, from treaty bodies and from special procedure mechanisms into their planning and programming, particularly those relating to promoting women's rights and addressing violence against women. Agencies should provide the Government with the technical and financial support necessary for the implementation of such recommendations.**

121. **United Nations agencies and their partners should increase their participation in supporting the Government and civil society in monitoring cases of violence against women and in collecting data in this regard.**

Recommendations addressed to the donor community

122. **The Special Rapporteur recommends that the donor community focus international assistance programmes on the empowerment of women and girls. Such programmes would include the promotion of women's rights and the eradication of violence against women through capacity-building projects for those involved in assisting and protecting women. Such programmes could be developed in parallel with the provision of infrastructure, such as shelters and centres that provide specialized integrated services for victims; protective measures against discrimination, harassment and violence; and affirmative action projects for women's housing and employment needs.**

Recommendations addressed to civil society, the media and the Sudanese diaspora

123. **Civil society in the Sudan has a crucial role to play in ending human rights violations, including violence against women. The Special Rapporteur met with many women who, mostly using their own initiative and resources, are working to empower women and girls. Such organizations require support from the diaspora community, donors and the State, to enable them to continue service provision and advocacy work, and to increase their capacity to monitor and report on the fulfilment of the Government's international obligations.**

124. **The media in the Sudan should conduct awareness-raising campaigns, with the aim of challenging discriminatory attitudes towards women and girls, and addressing stereotypical attitudes relating to the roles and responsibilities of women and men in the family, society and the workplace.**

125. **Women and men from the Sudanese diaspora should be given the opportunity to participate in the efforts to rebuild their country, and should be encouraged to share their expertise and assist in national efforts.**